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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/542,960

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Werner Kampert

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EXAMINER

TOLENTINO, RODERICK

ART UNIT

PAPER NUMBER

2439

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/542,960	<b>Applicant(s)</b> KAMPERT ET AL.	
	<b>Examiner</b> Roderick Tolentino	<b>Art Unit</b> 2439	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 14 March 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 38-61 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 38-61 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 March 2007 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>3/14/2007</u>   | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. Claims 38 – 61 are pending.

### ***Drawings***

2. This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 38 – 41, 43 – 53 and 55 – 61 are rejected under 35 U.S.C. 102(e) as being anticipated by Wright et al. U.S. PG-Publication No. (2004/0123153).
5. As per claim 38, Wright discloses generating cryptographically authenticated data at a mobile device; and transmitting the cryptographically authenticated data from a transmitter device at said mobile device (Wright, Paragraph 0052, cryptographic authorization protocol between mobile device and server).

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6. As per claim 39, Wright discloses a source for said data and wherein said data center comprises a receiver that receives the data transmitted from said transmitter device, and wherein the step of cryptographically authenticating said data comprises including an identification in said data selected from the group consisting of an identification of said source, an identification of said receiver, and a transmission identification (Wright, Paragraph 0078, client management information along with cryptographic authentication protocol).
7. As per claim 40, Wright discloses including in said data at least one time code characteristic for a specifiable event (Wright, Paragraph 0071, verify time and date).
8. As per claim 41, Wright discloses incorporating said data into a protocol data set, and storing said protocol data set in at least one of said transmitter device and said data center (Wright, Paragraph 0078, client management information along with cryptographic authentication protocol).
9. As per claim 43, Wright discloses with an acquisition device at said mobile device, acquiring an acquisition value relating to operation to said mobile device, and including said acquisition value in said data that are transmitted by said transmitter device (Wright, Paragraph 0047, security feature associated with the Mobile device).
10. As per claim 44, Wright discloses acquiring said acquisition value as an acquisition variable representing a state variable of the operation of said mobile device (Wright, Paragraph 0047, security feature associated with the Mobile device).
11. As per claim 45, Wright discloses an operation influencing device that influences said operation of said mobile device, and comprising, at said data center, generating

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operating influencing data dependent on said acquisition variable and transmitting said operation influencing data from said data center to said mobile device, and controlling said operation influencing device at said mobile device using said operation influencing data (Wright, Paragraph 0047, security feature associated with the Mobile device).

12. As per claim 46, Wright discloses at said data center before generating said operation influencing data, verifying said data transmitted from said mobile device and, only after a successful verification thereof, generating said operation influencing data at said data center (Wright, Paragraph 0070, verify files).

13. As per claim 47, Wright discloses at said data center, initiating a response to generating said operation influencing data (Wright, Paragraph 0078, client management information along with cryptographic authentication protocol).

14. As per claim 48, Wright discloses initiating an invoicing procedure as said response (Wright, Paragraph 0078, client management information along with cryptographic authentication protocol).

15. As per claim 49, Wright discloses making additional data available at said data center, not transmitted from said mobile device, and generating said operation influencing data at said data center dependent on said acquisition value and said additional data (Wright, Paragraph 0078, client management information along with cryptographic authentication protocol).

16. As per claim 50, Wright discloses an encrypter that generates cryptographically authenticated data at a mobile device (Wright, Paragraph 0078, encrypted token) and a transmitter that transmits the cryptographically authenticated data from a transmitter

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device at said mobile device (Wright, Paragraph 0052, cryptographic authorization protocol between mobile device and server).

17. As per claim 51, Wright discloses a source for said data and wherein said data center comprises a receiver that receives the data transmitted from said transmitter device, and wherein said encrypter cryptographically authenticates said data by including an identification in said data selected from the group consisting of an identification of said source, an identification of said receiver, and a transmission identification (Wright, Paragraph 0078, encrypted token).

18. As per claim 52, Wright discloses said encrypter includes in said data at least one time code characteristic for a specifiable event (Wright, Paragraph 0071, verify time and date).

19. As per claim 53, Wright discloses encrypter incorporates said data into a protocol data set, and comprising a memory in which said protocol data set are stored at at least one of said transmitter device and said data center (Wright, Paragraph 0078, client management information along with cryptographic authentication protocol).

20. As per claim 54, Wright discloses with an acquisition device at said mobile device that acquires an acquisition value relating to operation to said mobile device, and wherein said encrypter includes said acquisition value in said data that are transmitted by said transmitter device (Wright, Paragraph 0047, security feature associated with the Mobile device).

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21. As per claim 56, Wright discloses said encrypter acquires said acquisition value as an acquisition variable representing a state variable of the operation of said mobile device (Wright, Paragraph 0047, security feature associated with the Mobile device).

22. As per claim 57, Wright discloses said mobile device comprises an operation influencing device that influences said operation of said mobile device, and comprising, at said data center, a processor that generate operating influencing data dependent on said acquisition variable and a transmitter that said operation influencing data from said data center to said mobile device, and a controller that controls said operation influencing device at said mobile device using said operation influencing data (Wright, Paragraph 0047, security feature associated with the Mobile device).

23. As per claim 58, Wright discloses a verification unit at said data center that, before generation of said operation influencing data, verifies said data transmitted from said mobile device and only after a successful verification thereof, permits generation of said operation influencing data at said data center (Wright, Paragraph 0070, verify files).

24. As per claim 59, Wright discloses said processor, at said data center initiates a response to generating said operation influencing data (Wright, Paragraph 0078, client management information along with cryptographic authentication protocol).

25. As per claim 60, Wright discloses processor initiates an invoicing procedure as said response (Wright, Paragraph 0078, client management information along with cryptographic authentication protocol).

**26.** As per claim 61, Wright discloses processor has access to additional data available at said data center, not transmitted from said mobile device, and generates

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said operation influencing data at said data center dependent on said acquisition value and said additional data (Wright, Paragraph 0047, security feature associated with the Mobile device).

***Claim Rejections - 35 USC § 103***

27. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

28. Claims 42 and 54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wright et al. U.S. PG-Publication No. (2004/0123153) in view of Martin Jr., et al. U.S. PG-Publication No. (2003/0023849).

29. As per claims 42 and 54, Wright fails to teach encrypter cryptographically authenticates said data by authenticating said data using at least one digital signature. However, in an analogous art Martin teaches encrypter cryptographically authenticates said data by authenticating said data using at least one digital signature (Martin, Paragraph 0039, verifies signature).

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to use Martin's apparatus for distributing authorization to provision mobile devices with Wright's administration of protection of data accessible by



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a mobile device because it offers the advantage of preventing unauthorized provisioning (Martin, Paragraph 0003).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Roderick Tolentino whose telephone number is (571) 272-2661. The examiner can normally be reached on Monday - Friday 9am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edan Orgad can be reached on (571) 272-3811. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Roderick Tolentino  
Examiner  
Art Unit 2439

Roderick Tolentino

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/R. T./

Examiner, Art Unit 2439

/Edan Orgad/

Supervisory Patent Examiner, Art Unit 2439